

Unsealed 4/28/08 KUH

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of the Search of

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APPLICATION AND AFFIDAVIT

DEPUTY

1. White 1997 Jeep Wrangler  
VIN # 1J4FY1952VP984078  
Located at 221 West Aten Road,  
Imperial, California 92251

'06 MJ 2163

CASE NUMBER:

I, Luis A. Samaniego, being duly sworn depose and say:

I am a Senior Patrol Agent of the United States Border Patrol, and I have reason to believe that property or premises known as:

See Attachment "A"

in the Southern District of California there is now concealed a certain person or property, namely,

See Attachment "B"

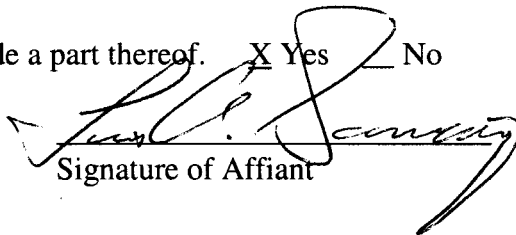
which is: property that constitutes evidence of the commission of criminal offenses, contraband, fruits of crimes, things otherwise criminally possessed, and property designed, and intended for use

concerning violations of 8 U.S.C. §§ 1324 (a)(2)(B)(ii); 1324 (a)(1)(A)(iii) and (v)(I); 1324 (a)(2)(B)(ii); 1324 (a)(1)(A)(ii) and (v)(II); and 1324 (a)(1)(A)(iii) and (v)(II).

The facts support a finding of Probable Cause are as follows:

See attached Affidavit of Senior Patrol Agent Luis A. Samaniego of the United States Border Patrol which is attached and incorporated herein by reference.

Continued on the attached sheet and made a part thereof. ☒ Yes ☐ No

  
Signature of Affiant

Sworn to before me, and subscribed in my presence

11/6/06 at San Diego, CA  
Date City and State

**BARBARA L. MAJOR**  
**U.S. MAGISTRATE JUDGE**

Name and Title of Judicial Officer

  
Signature of Judicial Officer

**AFFIDAVIT IN SUPPORT OF APPLICATIONS**

I, Luis A. Samaniego, Senior Patrol Agent (SPA), United States Border Patrol (USBP), being duly sworn, depose and state:

**A. Purpose of This Affidavit**

1. This affidavit is submitted in support of application for the issuance of a search warrant in furtherance of a U.S. Border Patrol criminal investigation, to open and search the contents of a vehicle, namely a White 1997 Jeep Wrangler, VIN number 1J4FY1952VP984078 found at 685 N. Adams Avenue, Brawley, California 92227 (more fully described in Attachment A, incorporated herein by reference). The registered owner of this vehicle is Javier Sanchez-Perfino. Javier Sanchez-Perfino is the subject of the criminal investigation and was indicted by a Federal Grand Jury on October 18, 2006 for various crimes relating to alien smuggling.

2. The purpose of this search warrant is to seize evidence relating to the following offenses: (a) Conspiracy to Bring in Illegal Aliens for Financial Gain in violation of 8 U.S.C. § 1324(a)(2)(B)(iii); (b) Conspiracy to Harbor Illegal Aliens in violation of 8 U.S.C. § 1324(a)(2)(B)(ii); © Bringing in Illegal Aliens for Financial Gain in violation of 8 U.S.C. § 1324(a)(1)(A)(ii); (d) Transportation of illegal aliens in violation of 8 U.S.C. § 1324 (a)(1)(A)(ii) and (v)(II); and (e) Harboring Illegal Aliens in violation of 8 U.S.C. § 1324 (a)(1)(A)(iii). Based on the facts set forth herein, I also submit that there is probable cause to believe that evidence of these offenses, as described Attachment B hereto, will be found in the above-described vehicle.

3 As detailed in my affidavit incorporated as Exhibit 1 to this affidavit, I have probable cause to believe that Javier Sanchez Perfino has committed such offenses and as described below, Javier Sanchez-Perfino is the primary driver of the above described vehicle.

4. Furthermore, I have probable cause to believe that such items of evidence are stored in the vehicle described above and more fully described in Attachment A.

5. The information set forth below is based upon my personal observations, my conversations with other law enforcement personnel, my review of reports prepared by myself or other law enforcement personnel, and conversations with other witnesses.

**B. Glossary**

6. The terms set forth below are widely utilized by law enforcement officers when referring to the duties and/or roles of alien smuggling conspirators and operational sites:

- a. Sponsors. The relatives, friends, or prospective employers of smuggled aliens who aid by paying the smuggling fees (such a transaction is hereinafter referred to as a "buy-out").
- b. Load houses. Premises utilized to harbor and conceal undocumented aliens while awaiting further transportation north and/or pending delivery within the United States.
- c. Administrative houses. Premises utilized to keep accounting/bookkeeping records of smuggling activities and arrange for such activities via telephone.
- d. Scout vehicles. Vehicles utilized to detect law enforcement presence along the smuggling routes within the operational corridor.
- e. Load vehicles. Vehicles utilized to transport undocumented aliens further north within the operational corridor.
- f. Counter-Surveillance. A technique employed by smugglers to detect and/or evade law enforcement surveillance.

**C. Training and Experience**

7. I have been employed by the USBP since February of 1983 and am currently assigned to the El Centro Sector Smuggler Target Action Team. The Sector Smuggler Target Action

Team is tasked with gathering intelligence, investigating, arresting, and prosecuting alien smuggling organizations that utilize the Southern District of California as an operational corridor. These investigations are complex criminal investigations of mid- to high-level criminal smuggling organizations.

8. During my career, I have assisted in the targeting of multiple smuggling organizations, which resulted in the issuance of arrest warrants, search warrants, seizure warrants and the indictments/convictions of persons for alien smuggling. These persons include drivers, recruiters, arrangers, document providers, and top-level managers.

9. In the course of my duties, I investigate and prepare for prosecution cases against persons involved in the inducement of illegal entry of undocumented aliens into the United States; the smuggling of undocumented aliens into the United States; the transportation and harboring of undocumented aliens within the United States; and the utilization of illegally-obtained, counterfeit, altered or genuine immigration documents by undocumented aliens to illegally gain entry or remain in the United States.

10. It is my experience, and the experience of many law enforcement officers with whom I have worked and conversed, that a conspiracy to smuggle aliens, and the smuggling of aliens, generates many types of evidence. The common fruits and instrumentalities of the crimes of alien smuggling, transportation of illegal aliens and harboring illegal aliens include, but are not limited to: passports, altered or fraudulent identification and immigration documents, various forms of United States Government documentation relating to alienage; travel documents; foreign and domestic correspondence relating to alien smuggling arrangements; airline/airfare tickets; lists containing names of associates and arrangers; lists containing names of smuggled aliens along with their destinations and fees paid or to be paid; vehicle registrations of vehicles used in the smuggling

and transporting of illegal aliens; financial records; bank statements; telephone records and bills; documents and receipts relating to evidence of temporary lodging of illegal aliens; documents indicating possession, dominion, and/or control of premises; property of smuggled aliens in the form of wallets, purses, suitcases, tote bags, and clothing; utility bills; money orders and money order receipts.

11. In my experience as an agent, I know that these fruits and instrumentalities of the crime of alien smuggling are frequently stored and maintained at other locations than the load houses or administrative houses. These locations are often the residence, home office, garages, businesses, storage units, computers, hard drives, disks and automobiles of the criminal participants and members of the alien smuggling organization.

**D. Summary of Investigation**

12. On October 23, 2006, Applications and Affidavits for Search Warrants for the premises of the primary residence of Javier Sanchez-Perfino located at 685 N. Adams Avenue, Brawley, California. A copy of the Application and Affidavit for the search of 685 N. Adams Avenue is attached hereto and incorporated herein by reference as Exhibit 1.

**E. Probable Cause to Search the White Jeep Wrangler Vehicle Found at 685 North Adams Avenue in Brawley, California**

13. On October 23, 2006, special agents of the United States Border Patrol executed a search warrant at 685 North Adams Avenue in Brawley, California. During the search of the residents, three vehicles were found on the property in close proximity to the residence. One of these vehicles was the White 1997 Jeep Wrangler described in Attachment A. The vehicle was secured and seized at that time and is currently located at the El Centro Border Patrol Secured Vehicle Lot at 221 West Aten Road, Imperial, California 92251. This lot is located within the Southern District of California.

14. I have conducted surveillance of the residence located at 685 N. Adams Avenue in Brawley, California, intermittently, for several days at a time. This surveillance has been conducted on and off since April 2004, through the present. Based on my personal observations, specifically the fact that Javier Sanchez Perfino frequently drives the vehicle described in Attachment A and uses it when conducting scouting operations for his alien smuggling activities, I believe there is probable cause to search the vehicle. Specifically, Javier Sanchez Perfino has been observed by both myself and other agents driving this vehicle when conducting his alien smuggling activities. Most recently, Senior Patrol Agent Jarom Linde observed Javier Sanchez Perfino driving the White 1997 Jeep Wrangler on October 19, 2006, in the Chocolate Mountain Bombing Range along the smuggling routes used by the drivers that work for him in the organization. His activities on that date included scouting new routes and keeping watch for Border Patrol Agents to assist his drivers that were smuggling loads of aliens that day.

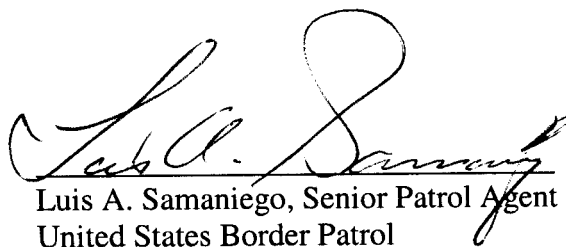
15. Based on my training and experience, it is common for persons engaged in alien smuggling activities to transport and sometimes leave records of their criminal activities in their vehicles and vehicles they use in their smuggling activities. Furthermore, the Green Jeep Cherokee described in Attachment A has been observed by myself and other agents on numerous occasions being driven by Javier Sanchez-Perfino while he is engaged in his alien smuggling activities. Specifically, I and other agents have observed Perfino scouting out smuggling routes in the vehicle, meeting with members of his smuggling organization in the vehicle and transporting papers and personal belongings in the vehicle.

16. Based on my training and experience, it is common for persons engaged in alien smuggling activities to keep written records of their smuggling activities. These records include, but are not limited to lists of names of drivers used by the organization and lists of amounts of

money to be paid to each driver. In addition, alien smugglers keep written lists of vehicles used in smuggling activities, descriptions of routes used in smuggling activities and lists of names of persons smuggled and the amounts paid to them and others within the smuggling organization for their illegal activities.

**F. Conclusion**

Based on the above-described information and observations, I believe there is probable cause to search the following vehicle for evidence of violations of 8 U.S.C. § 1324, including all items described in Attachment B: Green 1994 Jeep Cherokee, VIN # 1J4GZ58Y1RC202671; It is further requested that this affidavit and the accompanying applications and warrants be sealed due to the ongoing criminal investigation.

  
Luis A. Samaniego, Senior Patrol Agent  
United States Border Patrol

SUBSCRIBED AND SWORN TO  
BEFORE ME THIS 16<sup>th</sup> DAY  
OF NOVEMBER 2006

  
UNITED STATES MAGISTRATE JUDGE  
San Diego, California